IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JULIE LYNN CARPER,	)	4:12CV3244
	)	
Plaintiff,	)	
	)	
v.	)	**MEMORANDUM**
	)	**AND ORDER**
JACK BESSE, et al.,	)	
	)	
Defendants.	)	

This matter is before the court on Plaintiff Julie Lynn Carper's ("Plaintiff") "Motion to Proceed on Merits and Deny Defendant's Motion to Dismiss" (Filing No. 15), Motion for Default Judgment (Filing No. 17), and "Motion for Hearing and/or Default Judgment" (Filing No. 18). Liberally construed, Plaintiff moves the court to enter default judgment against Defendants because they failed to answer her Complaint. Also pending is Defendants' Motion to Strike Plaintiff's Motions. (Filing No. 19.) Upon careful consideration,

IT IS THEREFORE ORDERED that:

1.   Plaintiff's Motions (Filing Nos. 15, 17, and 18) are denied because Defendants have properly filed a Motion to Dismiss under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure. (*See* Filing No. 13.) Accordingly, Defendants need not file an answer or other responsive pleading unless the court denies Defendants' Motion to Dismiss.

      2.   Defendants' Motion to Strike Filing Numbers 15, 17, and 18 (Filing No. 19) is denied. However, **Plaintiff is cautioned against filing frivolous motions**. Filing frivolous motions could result in further action by this court, including sanctions.

      DATED this 29th day of April, 2013.

                    BY THE COURT:

                    s/ Joseph F. Bataillon
                    United States District Judge

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